

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

ROBERT DALE TURNBO,

*Plaintiff,*

V.

DALE BRIAN GIBSON, NINE LINE  
OILFIELD SERVICES, LLC, and  
OLSON TRANSPORTATION INC.,

*Defendants.*

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Civil Action No. 5:21-cv-00089

**DEFENDANTS' DALE BRIAN GIBSON AND OLSON TRANSPORTATION INC.'S**  
**NOTICE OF REMOVAL TO FEDERAL COURT**

TO THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS, LUBBOCK DIVISION:

1. Dale Brian Gibson and Olson Transportation Inc. are two of the defendants named in a civil action brought on March 9, 2021, in the 106<sup>th</sup> District Court of Dawson County. Pursuant to provisions of *Section 1441 and 1446 of Title 28 of the United States Code*, the Defendants remove this action to the United States District Court for the Northern District of Texas, Lubbock Division, which is the judicial district and division in which the action is pending.

2. The grounds for removal of this action are:

a. Plaintiff's Original Petition and the citation from the 106<sup>th</sup> District Court of Dawson County, Texas, Cause No. 21-03-20737 were served on Defendant Dale Brian Gibson on March 15, 2021 and Plaintiff's Original Petition and the citation from the 106<sup>th</sup> District

Court of Dawson County, Texas, Cause No. 21-03-20737 were served on the registered agent for Defendant Olson Transportation Inc. on March 29, 2021.

b. There is complete diversity of citizenship between the Plaintiff and the Defendants in this action because:

i. The Plaintiff is Robert Dale Turnbo, an individual who is a resident of the State of Texas.

ii. Defendant Dale Brian Gibson is an individual who is a resident of the State of Montana, Defendant Nine Line Oilfield Services, LLC, is a foreign corporation with its principal place of business in the State of Montana, and Olson Transportation Inc. is a limited liability company with its principal place of business in the State of Montana.

c. In Plaintiff's Original Petition, Plaintiff has pled an amount in excess of \$1,000,000.00. Accordingly, the amount in controversy clearly exceeds the minimum required for complete diversity.

This court would have had original subject matter jurisdiction of this action under the provisions of *28 U.S.C. § 1332* if the action had originally been brought in federal court. Removal is therefore proper under *28 U.S.C. § 1441(a)*.

3. Removal of this case on the basis of diversity of citizenship is not precluded by the provisions of *Section 1441(b) of Title 28 of the United States Code* because no party in

interest properly joined and served as a defendant is a citizen of the state in which this action was brought.

4. This Notice of Removal is timely under *Section 1446(b) of Title 28 of the United States Code* in that it is filed within 30 days of service of the Original Petition on Defendants Gibson and Olson Transportation Inc. and within one year after commencement of the action.

5. All of the state-court papers that were served on Defendants as of the time of removal, consisting of the Citation and Plaintiffs' Original Petition, are attached as Exhibit "A."

Respectfully submitted,

BY: /s/ Robert B. Wagstaff  
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ATTORNEY FOR DEFENDANTS  
DALE BRIAN GIBSON and  
OLSON TRANSPORTATION INC.

**CERTIFICATE OF SERVICE**

This is to certify that a true copy of the above and foregoing instrument was filed electronically with the Court's electronic filing system and served on all attorneys pursuant to 28 U.S.C. §1446(d) and F.R.C.P. 5(b)(1) on this 13<sup>th</sup> day of April, 2021, in accordance with the Federal Rules of Civil Procedure.

/s/ Robert B. Wagstaff  
**Robert B. Wagstaff**